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*Proposed Counsel to La Cremaillere
Restaurant Corp. Debtor and Debtor-in-Possession*
UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

In re:

Chapter 11

LA CREMAILLERE RESTAURANT CORP.

Case No.:19-22823 (RDD)

Debtor.

-----X

DEBTOR'S DECLARATION PURSUANT TO LOCAL BANKRUPTCY RULE 1007-2

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

I, BARBARA MEYZEN, pursuant to 28 U.S. Code § 1746, declare under penalty of perjury that the following is true and correct:

1. I am a 50% owner of LA CREMAILLERE RESTAURANT CORP (the "**Debtor**"), which operates an upscale restaurant located at 46 Bedford-Banksville Road, Bedford, NY, named La Cremaillere (the "**Restaurant**"). My husband Robert Meyzen is the other 50% owner of the Debtor. We are also the owners of Meyzen Family Realty Associates, LLC ("Meyzen Family"), the company that owns the property located 46 Bedford-Banksville Road, Bedford, NY (the "**Property**") that houses the Restaurant.
2. I submit this application in accordance with Local Bankruptcy Rule 1007-2, on behalf of the Debtor in connection with its petition and documents and schedules being filed

in connection with the petition. Copies of the resolutions of the Debtor authorizing it to file bankruptcy were filed concurrently with this Declaration.

3. The Debtor has not previously filed a Chapter 11 Petition.
4. The Debtor is a single-asset-real estate company as defined by the Bankruptcy Code and the Debtor is not a small business corporation.
5. I have reviewed the Debtor's petition, schedules and all documents filed in connection with the Petition and I am familiar with the facts alleged and any relief requested therein.
6. All facts set forth in this declaration are based upon my: (i) personal knowledge; and (ii) review of relevant documents; and (iii) opinion based upon my experience and knowledge with respect to the Debtor's operations and financial condition. All financial information submitted with this declaration is on an estimated and unaudited basis, unless otherwise indicated.

BACKGROUND OF THE DEBTOR AND ITS BUSINESS

a. Debtor's business and circumstances leading to the Debtor's filing. LR 1007-2(a)(1)

7. The Debtor was formed as a New York Corporation on November 24, 2001 by Robert Meyzen's father. In 1993, Robert and Barbara Meyzen purchased the restaurant business from Mr. Meyzen's father. The Restaurant experienced a downturn of business a few years ago due to the recession which made it difficult to pay the lease payments owed to Meyzen Family, which in turn pays the mortgages.
8. The Restaurant is now experiencing an upsurge in business which is allowing it to begin paying rent again and pay its ongoing expenses.

9. The Debtor owes approximately \$500,000 to New York State Department of Taxation and Finance (“NYS Tax”) and \$250,000 to the Internal Revenue Service (“IRS”).
10. The Property was being foreclosed upon by its senior lender, Celtic Bank (“Celtic Bank”) when Meyzen Family filed for bankruptcy. The Property is close to finalizing a refinancing that would pay the secured lenders and a significant portion of the tax obligations owed by the Debtor.
11. Until the refinancing is completed Debtor proposes to pay rent in accordance with the lease agreement and \$2,654 to the IRS.
12. Debtor will also pay administrative expenses as they come due and the U.S. Trustees fee as they come due.
13. The Debtor is jointly liable on the Celtic Bank debt with Meyzen Family. Celtic Bank has a collateral interest in the assets of the Debtor.

OBJECTIVES OF THIS CHAPTER 11 CASE.

14. The Debtor has filed this bankruptcy proceeding to protect itself from being shut down by the NYS Tax in order to give it enough time for the refinance to be completed.

b. LR 1007-2(a)(2)

15. This case was not originally commenced under Chapter 7 or 13 of the Bankruptcy Code.

c. Committees Organized Prior to Filing. LR 1007-2(a)(3)

16. No formal or informal committees of creditors or other interest holders were organized prior to the order for relief in this Chapter 11 case.

d. Holders of 20 Largest Unsecured Claims. LR 1007-(2)(a)(4)

17. The names and addresses of the twenty (20) largest unsecured creditors excluding (i) those creditors who or which would not be entitled to vote at a creditors' meeting under 11 USC Section 702; (ii) such creditors who were employees of the Debtor at the time of the filing of its petition for reorganization; and (iii) creditors who are insiders as that term is defined in 11 USC Section 101(31) are annexed hereto as **Exhibit "A"**.

e. Holders of the five largest Secured Claims. LR 1007-(2)(a)(5).

18. A list of the names and addresses of the five largest secured creditors is annexed hereto as **Exhibit "B"**.

f. Schedule of Assets and Liabilities. LR 1007-(2)(a)(6).

19. As required by Local Bankruptcy Rule 1007-2(a)(6), unaudited schedules of the Debtor's assets and liabilities are annexed hereto as **Exhibit "C"**.

g. Publicly-Held Securities. LR 1007-(2)(a)(7).

20. No shares of stock, debentures, or other securities of the Debtor are publicly held.

h. Property in Possession or Custody of Custodian. LR 1007-(2)(a)(8).

21. None of Debtor's property is in the possession or custody of any custodian, public officer, mortgagee, pledgee, assignee of rents, or secured creditor, or agent for any such entity.

i. Debtor's Premises. LR 1007-(2)(a)(9).

22. The Debtor operates its business from 46 Bedford-Banksville Road, Bedford, NY.

j. Location of Debtors' Assets and Books and Records. LR 1007-(2) (a)(10).

23. The Debtor's substantial assets are located at: 46 Bedford-Banksville Road, Bedford, NY.

k. Threatened or Pending Actions against Debtor. LR 1007-(2)(a)(11).

24. There are two pending litigation matters as follows:

a. *Celtic Bank Corporation v. Meyzen Family Realty Associates, LLC, et. al.*

case no.:54658/2017. Foreclosure litigation by secured creditor; and

b. *L & J smith investments, L.P. v. Meyzen Family Realty Associates, LLC, et. al.*

case no.:52165/2018; action to reinstate mortgage.

l. Debtor's Senior Management. LR 1007-(2)(a)(12).

25. The Debtor's senior management is comprised of Robert Meyzen and Barbara

Meyzen who are husband and wife and who also own Meyzen Family, which own the Property.

m. Additional Information if Business is to Continue. LR 1007-(2)(b)(1) and (2).

26. The Debtor has 10 full time employees and 5 part time/ per diem employees.

27. A list of the Debtor's employees are attached hereto as **Exhibit "D"**.

n. Estimated Schedule of cash receipts and disbursements for 30 days. LR 1007-(2) (b) (3).

21. The estimated schedule of cash receipts and disbursements for the thirty (30) day period following the filing of the Chapter 11 petition is annexed hereto as **Exhibit "E"**

o. Conclusion

22. The Debtor submits that it has the requisite components to formulate a confirmable and feasible plan of reorganization whereby the Debtor will either refinance or pay its secured creditors at the contract rate and repay the arrears over the balance of the life of the mortgages at the *Till* rate.

23. The Debtor believes it is in the best interests of all of its creditors that it be afforded an opportunity to reorganize its obligations in Chapter 11.

24. The automatic stay will allow the Debtor the time necessary to negotiate with its secured creditors.

Pursuant to 28 USC section 1746, I declare under the penalty of perjury that the foregoing is true and correct.

Harrison, New York
Dated: May 14, 2019

LA CREMAILLIERE RESTAURANT CORP.

/S/ Barbara Meyzen
Barbara Meyzen, member



EXHIBIT A

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

Fill in this information to identify the case:

Debtor name La Cremaillere Restaurant Corp.
United States Bankruptcy Court for the: SOUTHERN DISTRICT OF NEW YORK, WHITE PLAINS DIVISION
Case number (if known): _____

☐ Check if this is an
amended filing

Official Form 204

Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders 12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Bria Carting 361 Route 202 Somers, NY 10589-3246						\$536.00
Cablevision 1111 Stewart Ave Bethpage, NY 11714-3533	Attention: President					\$239.00
Comfort King Fuel 199 Ethan Allen Hwy Ridgefield, CT 06877-6212						\$1,212.00
Con Edision 4 Irving Pl New York, NY 10003-3502						\$1,997.00
D'Artagnan, LLC 600 Green Ln Union, NJ 07083-8074						\$1,759.00
Dairyland 240 Food Center Dr Bronx, NY 10474-7045						\$1,729.00
Internal Revenue Service PO Box 7346 Philadelphia, PA 19101-7346			Unliquidated Disputed			\$423,000.00
NYS Dept of Tax and Finance Bankruptcy Section Albany, NY 12205						\$0.00
Total Brokerage						\$2,898.00

Debtor **La Cremaillere Restaurant Corp.**
Name

Case number (if known)

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Verizon 140 West St New York, NY 10007-2141	Attention President					\$524.00

EXHIBIT B

FIVE LARGEST SECURED CREDITORS

<u>CREDITOR</u>	<u>APPROXIMATE AMOUNT OWED</u>
Celtic Bank c/o Kirby, Ainser, & Curley 700 Post Road, Suite 237 Scarsdale, NY 10583	\$1,376,406.93
L&J Smith Investments LP c/o Auerbach Law Group, PC 81 Main Street, Unit 307 White Plains, NY 10601	\$225,564
New York State Tax Bankruptcy Section PO Box 5300 Albany, New York 12205	\$472,824.98
Internal Revenue Service PO Box 7346 Philadelphia, PA 19101	\$159,259.89

EXHIBIT C

ASSETS

Wine	\$	1,261,695.00
Kitchen Equipment, Tables, and Chairs		\$100,000
Cash	\$	-
Total Assets	\$	1,361,695.00

LIABILITIES

Secured Mortgages	\$	1,601,970.00
Secured Taxes	\$	632,083.00
Unsecured Priority Tax*	\$	82,248.00
Unsecured Debt	\$	10,894.00
Total Liabilities	\$	2,327,195.00
Net Assets	\$	(965,500.00)

*Some of this amount owed are estimated amounts by the Tax Authority because of tax forms that have not yet been filed. After filing of these forms, the amounts owed may adjust.

EXHIBIT D

List of Employees

Intuit Online Payroll

Sign Out

? Help

to Do Payday Taxes & Deductions Employees Setup **Reports** Additional Services

Overview **Employee Reports** Employer Reports Contractor Reports Paycheck List

La Cremaillere Restaurant Corp.

Payroll Summary

Payroll Summary

Range choose one... from 04/01/2019 to 04/30/2019 All Locations All Employees

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Date	Name	Net Amt	Hours	Taxes Withheld	Total Deductions	Total Pay	Employer Taxes	Total Cost	Check Num
04/09/2019	Felix [REDACTED]	\$66.02	5.50	\$5.48	\$0.00	\$71.50	\$8.85	\$80.35	
04/09/2019	Manuel [REDACTED]	\$1,032.06	40.00	\$292.94	\$0.00	\$1,325.00	\$101.36	\$1,426.36	
04/09/2019	Stephane [REDACTED]	\$856.90	55.00	\$580.60	\$0.00	\$1,437.50	\$182.58	\$1,620.08	
04/09/2019	Lucia [REDACTED]	\$367.32	57.00	\$189.43	\$0.00	\$556.75	\$89.88	\$646.63	
04/09/2019	Milton [REDACTED]	\$69.12	42.00	\$296.38	\$0.00	\$365.50	\$133.17	\$498.67	
04/09/2019	John [REDACTED]	\$145.60	42.00	\$219.90	\$0.00	\$365.50	\$95.66	\$461.16	
04/09/2019	Jose [REDACTED]	\$822.66	62.50	\$136.09	\$0.00	\$958.75	\$112.66	\$1,071.41	
04/09/2019	Carlos [REDACTED]	\$676.27	57.50	\$184.98	\$0.00	\$861.25	\$101.19	\$962.44	
04/09/2019	Brandon [REDACTED]	\$321.16	29.50	\$62.34	\$0.00	\$383.50	\$45.07	\$428.57	
04/09/2019	Omar [REDACTED]	\$350.65	51.00	\$496.85	\$0.00	\$847.50	\$129.47	\$976.97	
04/02/2019	Felix [REDACTED]	\$66.04	5.50	\$5.46	\$0.00	\$71.50	\$8.82	\$80.32	
04/02/2019	Manuel [REDACTED]	\$1,032.05	40.00	\$292.95	\$0.00	\$1,325.00	\$101.37	\$1,426.37	
04/02/2019	Stephane [REDACTED]	\$872.25	51.00	\$427.25	\$0.00	\$1,299.50	\$150.58	\$1,450.08	
04/02/2019	Lucia [REDACTED]	\$349.24	57.00	\$207.51	\$0.00	\$556.75	\$95.21	\$651.96	
04/02/2019	Milton [REDACTED]	\$48.07	30.00	\$206.93	\$0.00	\$255.00	\$103.87	\$358.87	
04/02/2019	John [REDACTED]	\$193.69	42.00	\$171.81	\$0.00	\$365.50	\$81.44	\$446.94	
04/02/2019	Jose [REDACTED]	\$815.24	62.00	\$133.76	\$0.00	\$949.00	\$111.51	\$1,060.51	
04/02/2019	Carlos [REDACTED]	\$538.93	48.00	\$137.07	\$0.00	\$676.00	\$79.43	\$755.43	
04/02/2019	Brandon [REDACTED]	\$286.61	26.00	\$51.39	\$0.00	\$338.00	\$39.70	\$377.70	
04/02/2019	Omar [REDACTED]	\$283.53	51.00	\$563.97	\$0.00	\$847.50	\$142.94	\$990.44	
	Totals	\$9,193.41	854.50	\$4,663.09	\$0.00	\$13,856.50	\$1,914.76	\$15,771.26	

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Checks in bold have been created but not approved.

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¹ Requires Excel version 2002 or later.

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04/12/2019

EXHIBIT E

**SCHEDULE OF ANTICIPATED CASH RECEIPTS AND DISBURSEMENTS FOR THE
THIRTY DAY PERIOD FOLLOWING FILING OF THE CHAPTER 11 PETITION**

LA CREMAILLERE BUDGET				
CASE NO.:19-22823				
	4/17-4/23	4/24-4/30	5/1-5/7	5/8-5/14
Revenues				
Sales Average \$29,000	\$ 29,000.00	\$ 29,000.00	\$ 29,000.00	\$ 29,000.00
Expenses				
Food Purchases	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
Wine Purchases	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Flowers	\$ 268.00	\$ 268.00	\$ 268.00	\$ 268.00
Linen (laundry)	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00
Oil and Propane	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00
Electric	\$ 666.00	\$ 666.00	\$ 666.00	\$ 666.00
Telephone	\$ 65.00	\$ 65.00	\$ 65.00	\$ 65.00
Internet	\$ 63.00	\$ 63.00	\$ 63.00	\$ 63.00
Garbage	\$ 130.00	\$ 130.00	\$ 130.00	\$ 130.00
Misc unbudgeted expenses	\$ 400.00	\$ 400.00	\$ 400.00	\$ 400.00
Credit Card Processing Charges	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Promotion/donations/marketing	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00
Payroll	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
Worker's Compensation	\$ 625.00	\$ 625.00	\$ 625.00	\$ 625.00
Liability Insurance	\$ 550.00	\$ 550.00	\$ 550.00	\$ 550.00
Rent	\$ 1,550.00	\$ 1,550.00	\$ 1,550.00	\$ 1,550.00
Tax	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00
Officers Compensation	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00
	\$ 24,267.00	\$ 24,267.00	\$ 24,267.00	\$ 24,267.00
Net Income				
	\$ 4,733.00	\$ 4,733.00	\$ 4,733.00	\$ 4,733.00